



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(ENERGY, INSTALLATIONS AND ENVIRONMENT)
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

November 30, 2018

Mr. John Fowler
Executive Director, Advisory Council
on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001

Reference: Notice of Termination of Consultation for EA-18G Growler Airfield Operations

Dear Mr. Fowler:

After careful consideration, I find it necessary to notify the Advisory Council on Historic Preservation (ACHP) of my decision to terminate consultation under Section 106 of the National Historic Preservation Act (NHPA) to resolve adverse effects to historic properties resulting from the proposed increase in EA-18G Growler airfield operations at Naval Air Station Whidbey Island Complex.

Despite our best efforts to reach agreement among the parties, there remains a disagreement on the type and amount of mitigation appropriate to resolve adverse effects to historic properties that would result from the undertaking. At this time, operational requirements dictate that the Navy make a decision on the undertaking. For these reasons, I have determined that further consultation is no longer productive. I have enclosed an Executive Summary detailing our decision to terminate; supporting information is included in Attachments 1-7.

In accordance with 36 C.F.R. 800.7(a)(1), I request the ACHP comment on this matter. By this letter I also provide notice of termination to the Washington State Historic Preservation Officer (SHPO) and other consulting parties.

The Navy recognizes its responsibilities to protect the historic district and the contributing rural landscape, and I believe the measures that the Navy offered during the consultation process reflect an appropriate response to the effects of the undertaking. In addition, as a member of the Whidbey Island community, the Navy will continue to seek ways to alleviate community concerns related to increased airfield operations. The Navy's commitment to its role as a community member extends well beyond completion of these NHPA actions.

Thank you for your prompt attention to this matter.

A handwritten signature in blue ink, reading "Karnig Ohannessian".

Karnig Ohannessian
Department of the Navy
Federal Preservation Officer

Enclosure: Executive Summary

Attachments:

1. Consultation History to date with key documents
2. Navy's Determination of Adverse Effect
3. Consultation Plan provided to consulting parties on July 24, 2018
4. Navy proposed resolutions in the Draft Memorandum of Agreement (MOA) of September 27, 2018
5. Navy proposed resolutions in the Revised Draft MOA of November 7, 2018
6. Operational impacts of Growler consultation timeline
7. SHPO Letter of November 29, 2018 Rejecting the Navy's Final Offer

Copy to:

Ms. Maryon Attwood, Citizens of Ebey's Reserve
Mr. Jim Baumgart, Office of the Governor
Dr. Allyson Brooks, Washington State Historic Preservation Office
Mr. David Day, citizen
Ms. Jackie Ferry, Samish Tribe
Ms. Kristen Griffin, Trust Board of Ebey's Landing National Historical Reserve
Ms. Molly Hughes, Town of Coupeville
Ms. Josephine Jefferson, Swinomish Tribe
Mr. Adam LeMieux, Office of Congressman Larsen
Mr. Dennis Lewarch, Suquamish Tribe
Ms. Kerry Lyste, Stillaguamish Tribe
Ms. Helen Price Johnson, Island County Commissioners
Ms. Deborah Stinson, City of Port Townsend
Mr. Richard Young, Tulalip Tribes
Mr. Roy Zipp, National Park Service at Ebey's Landing National Historical Reserve

Executive Summary

After a robust consultation effort in which Navy attempted to resolve adverse effects to historic properties resulting from the proposed increase in EA-18G Growler airfield operations at Naval Air Station Whidbey Island (NASWI) Complex, the Navy has determined that further consultation will not be productive and will not conclude with a signed Memorandum of Agreement (MOA) without unacceptable impacts to the Navy's defense mission. There is disagreement on the type and amount of mitigation appropriate to resolve adverse effects to historic properties that would result from the undertaking. At this time, operational requirements dictate that the Navy make a decision on the undertaking. Therefore, the Navy has decided to terminate consultation under Section 106 of the National Historic Preservation Act (NHPA).

What follows is a summary of the Navy's reasons for termination.

I. Negotiations have reached an impasse due to disagreement on the type and amount of mitigation appropriate to resolve adverse effects

The Navy has conducted an expansive consultation over a four-year period. We initiated consultation on October 10, 2014, when the NASWI Commanding Officer (CO) invited consultation with the Advisory Council on Historic Preservation (ACHP), the Washington State Historic Preservation Officer (SHPO), eight federally recognized Indian tribes, and interested agencies, organizations, and individuals (Attachment 1 contains a complete accounting of the consultation history to date). From the fall of 2014 through the summer of 2017, through correspondence and in-person meetings, the Navy engaged the consulting parties on the identification of the Area of Potential Effect (APE) for the undertaking and the inventory of historic properties within the APE. In October 2017, the Navy notified consulting parties that it was extending the consultation in order to reassess potential effects of operational changes, specifically a reduction in anticipated Field Carrier Landing Practice (FCLP) requirements as a result of Precision Landing Mode (PLM) changes and a reduced number of pilots assigned to each squadron. In June 2018, the Navy notified the consulting parties of its finding that the proposed action would have an adverse indirect effect to the Central Whidbey Island Historic District (District), specifically the perceptual qualities of five contributing landscape viewpoints. The Navy communicated its finding of adverse effect on June 25, 2018 and received SHPO concurrence on June 27, 2018.

From August 2018 through October 2018, the Navy conducted six consultation meetings with the ACHP, SHPO, the National Park Service (NPS), the Mayor of Coupeville, Island County Commissioners, the Trust Board for the Reserve, Citizens of Ebey's Reserve, the Mayor of Port Townsend, the Washington Governor's Office, David Day (citizen), and Kerry Lyste, Tribal Historic Preservation Officer for the Stillaguamish Tribe (together "consulting parties") to identify appropriate measures to resolve the agreed-upon indirect adverse effect. At the start of each meeting, the Navy reviewed with the parties process information contained in the NHPA Consultation Plan (Attachment 3) distributed to the parties on July 24, 2018. In addition, from June 2018 through November 2018, the Navy participated in conference calls and visits with several of the consulting parties to better understand their unique concerns and to discuss the proposed resolution options put forth by the consulting parties.

The Navy has also completed several rounds of public engagement throughout the consultation. After notifying the ACHP of its plan to coordinate NHPA and National Environmental Policy Act (NEPA) responsibilities, consistent with 36 C.F.R. 800.8, the Navy actively engaged the public. During the NEPA scoping (139 days in 2013-2014) and re-scoping process (93 days in 2014-2015), Navy responded to more than 200 cultural resource-related comments prior to the release of the Draft Environmental Impact Statement (EIS). During the re-scoping meetings, the Navy provided information including a description of the Section 106 process in relation to the NEPA process, and the Navy solicited input on historic

properties. In addition, in coordination with the NEPA process, the Navy invited public comment on the proposed definition of the APE. The Navy received and adjudicated an additional 198 cultural resource-related comments on the Draft and Final EIS. Most recently, the Navy shared a draft Memorandum of Agreement (MOA) on the NASWI website on October 22, 2018, received over seventy public comments to date, reviewed those comments, and took them into consideration.

As a result of its detailed review and consultation, the Navy determined that the proposed action had the potential to introduce auditory, visual and atmospheric characteristics that could cause indirect effects to historic properties by changing the frequentness of noise exposure in certain areas of the District. In its analysis, the Navy focused on historic properties and features within the APE that would experience a substantive change in noise exposure as a result of the undertaking (see Figures 10 and 11 and Table 14 in Attachment 2). The Navy then analyzed in detail the potential effect on these properties with reference to the 65 decibel (dB) day-night average sound level (DNL) noise contour that is the standard reference point for noise analysis. We determined that five viewpoints within the contributing landscape were subject to indirect adverse effects as a result of the increase in noise exposure. Specifically, the Navy found that the undertaking would adversely affect the perceptual qualities of the entry to Coupeville from Ebey's Prairie into prairie and along Main Street, the view to Crockett Prairie and Camp Casey from Wanamaker Road, the view to Crockett Prairie and uplands from the top of Patmore Road, the view to Crockett Prairie and uplands from Keystone Spit, and the view from Smith Prairie from Highway 20, entering the Ebey's Landing National Historic Reserve.

The Navy analyzed and considered the potential for direct effects from aircraft noise and vibration effects under the proposed increased operations in Attachment 2 and the Final EIS at Appendix A1, sections A1.3.9 and A1.3.11. The Navy reviewed available literature and outside studies, including the 2016 NPS noise measurement at the Reuble Farmstead and Ferry House, and concluded that Growler noise would not create sound pressure levels capable of damaging structures through vibrational impacts. (See pages 62-63 of Attachment 2). The SHPO concurred with the Navy's determination of adverse effect on June 27, 2018.

The Navy and consulting parties entered into consultation to identify measures to resolve adverse effects in July 2018. Immediately, SHPO and other consulting parties asserted that other areas outside the APE required mitigations centering on general noise complaints unrelated to effects on historic properties, or the specific effects identified as part of the consultation to date. Measures such as noise monitoring at the Reserve, Navy funding for deferred maintenance, and upgrades to unspecified buildings in the Reserve were put forth as mitigation for the noise impacts affecting the communities in Coupeville and Ebey's Reserve. At the consultation meeting on September 17, 2018, the SHPO expressed "continued concern with understanding how the Navy is giving back to the public" and expressed that "if a federal undertaking is taking something away from the citizenry then the federal agency has to give something back to the citizenry." Such an approach of trying to remedy impacts not involving historic properties is inconsistent with the regulatory standard in 36 C.F.R. 800.6(a) to "avoid, minimize, or mitigate" the adverse effects on historic properties.

In the weeks before the September 4, 2018 consultation meeting, correspondence from other consulting parties similarly proposed that Navy should undertake mitigation measures unrelated to the effects on historic properties. These included selection of an alternative for FCLP operations that more evenly divided flight operations between the two airfields; providing funding for schools; and providing funding to purchase sound-cancelling headphones for farmworkers among others. During the September 17, 2018 meeting, the Navy went through the resolution options presented by the consulting parties and explained that many of the proposals were not appropriate to the resolution of adverse effects on historic properties, which is the scope of the Section 106 process.

Prior to the meeting on September 27, 2018, the Navy provided the consulting parties with a draft MOA for discussion (Attachment 4). In the draft MOA, the Navy committed to provide NPS funding for the existing Ebey's Forever Grant program for preservation of historic structures under the existing criteria administered by NPS and the Trust Board of the Reserve. This funding amounted to doubling the program's annual grant budget for five years.

Maintaining focus on resolution proposals commensurate with the effect, the Navy's draft MOA focused on landscape preservation, offering \$250,000 to support preservation of landscape features in proximity to the five affected contributing viewpoints. In her October 8, 2018 edits to the Navy MOA, the SHPO changed the focus to "Barn and Historic Structure Rehabilitation" and recommended \$8 million be provided to support preservation "within Ebey's Historic Reserve *and other historic properties in Whidbey Island* which may include stabilizing historic barns, stabilizing and soundproofing historic structures." (Emphasis added).

Under that proposal, the \$8 million would be available to be used anywhere within Whidbey Island without reference to the five affected cultural landscapes; if not used within five years any remaining balance would revert back to the statewide Heritage Barn Program, further weakening the relevance of the mitigation to the adverse effect. SHPO's proposal that the Navy fund an uncertain and unspecified amount of needed modernization projects on historic properties on Whidbey Island, and potentially beyond, without reference to the identified adverse effect was inconsistent with the requirements of Section 106. Moreover, SHPO's proposal once again questioned whether Navy activity would have direct vibrational effects on historic properties—a matter which had previously been resolved.

Concurrent with SHPO's proposal, other consulting parties have also requested mitigation well outside the scope of NHPA. In November 2018, the Navy met with Coupeville Mayor Molly Hughes and Kristen Griffin, the Reserve Manager representing the Trust Board, to build consensus on alternate mitigation measures. At the suggestion of the Mayor and the Reserve Manager, Navy amended the MOA to include a \$400,000 dollar preservation project at the Ferry House and associated outbuildings, a historic property within the Ebey's Prairie landscape which Navy understood to be a priority project for the Reserve. Attachment 5 is the Revised Draft MOA reflecting the Ferry House project. In revising the draft MOA to include the Ferry house proposal, the Navy prioritized consideration of preservation projects that enhanced the buildings' contribution to those characteristics that enhance the historic landscape's integrity of feeling and setting including exterior repairs and stabilization.

When the revised Draft MOA was distributed to the parties, the SHPO and other consulting parties were not satisfied with Navy's proposed preservation project at the Ferry House. Instead, they proposed that the Navy mitigate impacts to the "quality of life" on Whidbey Island with resolution options that do not address the adverse effect of the undertaking. With respect to the Navy's commitment to fund preservation of the Ferry House in the revised draft MOA, several parties, including the ACHP in a November 16, 2018 email, stated the amount of funding was too low and would not cover substantial rehabilitation.

Both the Trust Board of the Reserve and the City of Coupeville voted not to support the revised MOA (Attachment 5) on November 13, 2018. Subsequently, in a letter dated November 14, 2018, Kristen Griffin from the Trust Board of the Reserve explained that the Board felt the measures in the revised draft MOA were "not proportional to the adverse effect to the Central Whidbey Island Historic District," and instead proposed stabilization and rehabilitation projects requiring funding of \$5.8 million.

On November 16, 2018, the ACHP provided comments on the revised draft MOA including a suggestion that Navy consider a higher amount of mitigation associated with the Ferry House. In response to the ACHP's suggestion, Navy proposed a final offer to the ACHP and the SHPO that included committing to

provide a final list of appropriate, preservation-related projects that Navy would fund from an anticipated revised NPS estimate of projects related to the Ferry House and associated outbuildings; willingness to advocate for Whidbey Island to be designated a Sentinel Landscape (per a suggestion from ACHP); and commitment to seek additional funds in fiscal year 2020 and beyond for easements to preserve the rural quality of the landscape. The Navy requested a telephone call with ACHP and SHPO on November 27, 2018 to discuss the NPS cost estimate and a response to the Navy's final offer by noon, November 29, 2018. The SHPO did not commit to availability for a phone call nor to meet the final decision timeline, instead indicating that the Navy's proposal of \$400,000 for preservation projects to the Ferry House was in her view "incorrect" based on discussions she had had with the NPS.

On November 27, 2018, the Navy received a list from NPS confirming Ferry House projects and cost estimates. During the week of November 27th, Navy personnel were in almost daily contact with Dr. Brooks by phone to discuss the terms of the proposed MOA. Navy conveyed its best and final offer to the parties on November 27, 2018, in which Navy agreed to provide funding to NPS for preservation projects for the Ferry House up to \$1 million dollars. Navy internal reports characterized the discussions between the parties during this week as "optimistic" as it appeared the parties had resolved their fundamental disagreement about the proposed mitigation, and all that remained was to reach agreement on the amounts and number of projects that would be funded under the MOA.

Navy requested the SHPO's response to this offer by 5pm NLT 1700 Pacific Time on November 29, 2018. On November 29, 2018, the SHPO rejected the Navy's offer, stating "I will not be signing the current Section 106 Memorandum of Agreement." At ACHP's recommendation, the Navy made one final call to the SHPO on November 30, 2018 to understand what the SHPO would need to see in the MOA in order to sign. The SHPO stated that the MOA should include: \$2 million for the Ferry House, \$2 million for Coupeville Wharf, and the mitigations requested by the Trust Board of the Reserve in their letter to CAPT Army of November 14, 2018 (1. \$2 million for a project to stabilize historic concrete structures in Fort Casey and Fort Ebey State Parks; 2. \$2 million for structural rehabilitation of Coupeville Wharf; and 3. \$1.8 million for structural and security improvements to the historic Ferry House).

The Navy has attempted to keep the SHPO and other consulting parties focused on appropriate mitigations to the historic properties identified as being adversely impacted in the June 2018 Findings document. The SHPO's and other parties' continued insistence on seeking resolutions not commensurate to the indirect adverse effects on historic properties and landscapes outlined in the Navy's determination has resulted in an impasse.

II. Operational requirements dictate that the Navy make a decision on the undertaking

The Navy must now make a decision on the undertaking in order to sustain its defense mission. Concluding the NHPA Section 106 process is necessary to complete the Navy's NEPA analysis and publish a decision on the proposed action. A delay would negatively impact the Navy's ability to meet operational requirements. (See Attachment 6). Once a NEPA Record of Decision (ROD) is signed, the Navy must initiate multiple steps to implement the proposed action with respect to further aircraft moves, personnel relocations, contract awards, and execution of military construction projects.

Currently, a carrier-based Navy squadron consists of 5 aircraft and 9 aircrews. The increase to 7 aircraft and 13 aircrews proposed in the Navy's undertaking is an essential component to meeting Combatant Commanders' requirements for electronic attack capability. On-time augmentation of aircraft and squadron personnel for the first carrier unit, VAQ-139, requires the Fleet Replacement Squadron (FRS) to increase training production of EA-18G pilots and Naval Flight Officers (NFOs). Because the FRS training syllabus for new pilots and NFOs consists of academics, simulator and flight training that is approximately 43 weeks long, the induction of additional pilots and NFOs to meet training production

requirements for the first squadron needs to steadily increase ahead of the number of Growler aircraft. To adequately train personnel, the FRS needs to increase FCLP operations. Additional developed and trained aircrews must be assigned to this first squadron by July 2019 in order for the squadron to start the Optimized Fleet Response Plan (OFRP). The OFRP includes a training cycle consisting of unit basic level training by the squadron, which predominately occurs at NASWI, and then follow-on intermediate level training with other forces before a planned deployment (12-18 months later) and follow-on sustainment phase. A full 3-year (36 month) OFRP cycle for these aviation units begins and ends with a maintenance period as well. Delays to increasing FCLPs for the larger number of aircrews through the FRS training will create a backlog of students immediately and hinder a squadron's development through the OFRP.

Furthermore, on-time transition of personnel and aircraft to specific squadrons based at NAS Whidbey Island is vital to ensure perishable skills are maintained. In order for this to occur, aircrews that are in the training pipeline now have to be able to finish training and the aircraft must be received by the squadron with maintenance crew that are trained and capable of addressing all avionics, diagnostics and parts issues. If VAQ-139 is not ready to augment to 7 aircraft and 13 personnel in July 2019 due to inability to train the requisite personnel, then the enhancement of the Growler capability in carrier squadrons will be at risk. The squadron will likely proceed to deployment with a sub-optimal number of aircraft and aircrews and it will take another full three-year cycle after deployment for that unit to potentially plus up to the increased numbers based on rotations of sailors (typically orders are for three years). In addition, an extended delay in the ROD will impact current plans for future personnel moves, which in turn destabilizes family life, negatively affects career progression, and may lead to shortages in retaining qualified military members in Navy career fields that are in high demand for similar expertise in private industry.

A military construction project identified as P-256 will also be impacted by additional delay. P-256 is a design-build construction of a ~56,000 square feet maintenance hangar, and a ~4,700 square feet armament storage facility in support of the EA-18G Growler aircraft. The project costs \$45 million and was funded in Fiscal Year 2017 through Public Law 114-223 enacted on September 29, 2016. Operational hangar space is required to provide a weather-protected shelter for inspection, servicing, maintenance, and emergency shelter for increased personnel and equipment associated with 36 additional aircraft that will begin arriving upon NEPA completion. Existing hangar capacity at the installation cannot provide sufficient operational hangar space for long-term operations of the expanding Growler force structure (more squadrons and aircraft) that will result from this action. The existing three hangar facilities are currently supporting existing squadrons and lack the space necessary to support any additional aircraft. If the contract is awarded this winter, a detailed facility design is expected by the fall of 2019, at which time civil engineering work would begin to prepare the construction site for erecting the needed facilities. Therefore, actual construction would not begin until about 9-10 months after contract award. As there will be aircraft and personnel arriving at the same time, it is important that this project be designed, phases of the construction project synchronized, construction laydown areas prepared, temporary facilities erected and new construction initiated as rapidly as possible. The new, permanent facilities are expected to be complete and ready for occupancy no earlier than June 2021 assuming no delays.

As described above, the Navy determined that further consultation will not be productive, given the fundamental difference of opinion among the Navy, the SHPO, and the consulting parties regarding mitigation appropriate to resolve adverse effects, and operational requirements dictating that the Navy make a decision on the undertaking. For these reasons, the Navy terminated the consultation.